

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GWENDOLYN GRAY,

Plaintiff,

08 Civ. 3233 (RWS)

-against-

**AFFIRMATION IN
PARTIAL OPPOSITION**

THE UNITED STATES OF AMERICA,
WACKENHUT SERVICES, INCORPORATED,
ALUTIIQ SECURITY & TECHNOLOGY, LLC and
AFOGNAK NATIVE CORPORATION,

Defendants.

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ELEANOR L. POLIMENI, an attorney duly licensed to
practice law in the State of New York, affirms the following
under penalties of perjury:

1. I am a partner with the firm of FINKELSTEIN &
PARTNERS, LLP, attorneys for the plaintiff in the above-entitled
action, and in such capacity, I am fully familiar with the facts
and proceedings had herein through a file maintained by this
office.

2. Upon a review of the motion papers submitted by
the Assistant United States Attorney, David Bober, seeking
dismissal on the grounds that plaintiff was covered under the
Federal Employee's Compensation Act thus precluding suit
plaintiff has elected to not oppose same. As of this writing
plaintiff has contacted attorney Bober to execute a stipulation

of discontinuance. In this vein, Attorney Bober is reaching out to the remaining defendants to see if they will join in the stipulation to the extent that any cross-claims against the United States would also be dismissed. However, due to the July 23, 2008 deadline to submit opposition, plaintiff submits these papers to help clarify matters and, hopefully, avoid needless paperwork by the Court and all concerned.

3. Thus, plaintiff confirms her agreement to a dismissal with prejudice, but without costs, in the event the stipulation of discontinuance as aforesaid is not fully executed by the time these papers are reviewed by the Court.

4. Plaintiff is also wishes to note that this Court retains jurisdiction of this matter. Based upon a review of the pleadings, it appears that there is diversity among the remaining parties to the action.

WHEREFORE, plaintiff respectfully requests that the motion be resolved in the manner and for the reasons aforesaid and she be awarded such other and further relief as to the Court may seem just and proper.

DATED: July 23, 2008
Newburgh, New York


ELEANOR L. POLIMENI, ESQ.